

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

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In re	:	Chapter 7
MARNIQUE HOPSON,	:	Case No. 22-41331-TJT
Debtor.	:	Judge Thomas J. Tucker

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**ORDER DISMISSING CASE BASED ON THE DEBTOR'S
MOTION REGARDING IMPROPER VENUE**

This case is before the Court on the motion filed by the Debtor on April 1, 2022, entitled “Debtor Marnique Hopson’s Motion to Transfer Venue Pursuant to 28 U.S.C. Section 1406 and Federal Rule of Bankruptcy Procedure 1014(a)(2)” (Docket # 25, the “Motion”). No timely objections to the Motion were filed.

In the first paragraph of text on page 1 of the Motion, the Debtor requests the dismissal of this case, on the ground that venue is not proper in this judicial district. In that paragraph, the Motion states:

Debtor Marnique Hopson, individual consumer debtor, seeking relief under chapter 7 . . . , hereby moves this Court . . . for entry of an order dismissing this case or, if it be in the interest of justice, transferring this case to the [United States] Bankruptcy Court for the Western District of Michigan.

(Motion at p. 1). And later in the Motion, the Debtor states that “[u]nless the court dismisses the case for filing in the wrong venue, the case should be transferred to the U.S. Bankruptcy Court for the WESTERN District of MICHIGAN . . .” (Motion at p. 2, ¶ 10) (bold added).

But in the Conclusion of the Motion, the Debtor asks the Court to transfer this case to the Western District of Michigan, rather than dismiss the case. And the proposed order attached to the Motion would transfer the case, rather than dismiss it. And on May 5, 2022, the Debtor submitted a proposed order transferring the case, rather than dismissing it.

Under Fed. R. Bankr. P. 1014(a)(2), this Court has discretion to either dismiss or transfer this case. In its discretion, the Court will dismiss this case, rather than transfer it. Accordingly,

IT IS ORDERED that the Motion is granted, to the extent of the relief provided by this Order, and otherwise is denied.

IT IS FURTHER ORDERED that this bankruptcy case is dismissed.

IT IS FURTHER ORDERED that this Order is without prejudice to the Debtor's right to file a new bankruptcy case in the United States Bankruptcy Court for the Western District of Michigan.

Signed: May 6, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge